



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

*271 Cadman Plaza East
Brooklyn, New York 11201*

April 16, 2020

By ECF (w/ enclosure)

Honorable Rachel P. Kovner
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Chunn, et al. v. Warden Derek Edge,*
Civil Action No. 20-cv-1590 (Kovner, J.) (Mann, M.J.)

Dear Judge Kovner:

Enclosed please find the parties' "Status Report: Parameters for Inspection of the Metropolitan Detention Center, Brooklyn" in the above-referenced matter.

Respectfully submitted,

RICHARD P. DONOGHUE
United States Attorney

By: /s/
James R. Cho
Seth D. Eichenholtz
Joseph A. Marutollo
Paulina Stamatelos
Assistant U.S. Attorneys
(718) 254-6519/7036/6288/6198
james.cho@usdoj.gov
seth.eichenholtz@usdoj.gov
joseph.marutollo@usdoj.gov
pauline.stamatelos@usdoj.gov

Enclosure

cc: The Honorable Roanne L. Mann, U.S. Magistrate Judge
All Counsel of Record (by ECF)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HASSAN CHUNN; NEHEMIAH McBRIDE;
AYMAN RABADI by his Next Friend Migdaliz
Quinones; and JUSTIN RODRIGUEZ by his
Next Friend Jacklyn Romanoff, individually and
on behalf of all others similarly situated,

Civil Action No.
20-CV-1590 (Kovner, J.) (Mann, M.J.)

Petitioners,

-against-

WARDEN DEREK EDGE,

Respondent.

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**STATUS REPORT: PARAMETERS FOR INSPECTION OF THE METROPOLITAN
DETENTION CENTER, BROOKLYN**

The parties in the above-referenced matter have met and conferred and submit the following list of areas of agreement and disagreement as it relates to the parameters for the inspection of the Metropolitan Detention Center in Brooklyn pursuant to the Court's April 15, 2020 Order (Dkt. No. 45). The parties jointly request leave until 10 a.m. on April 17, 2020 to submit letters setting forth in greater detail their respective positions and the basis for disagreement.

1. Duration.

Petitioners' Position: The inspection shall be limited to 4 hours, though should there be any delay before or during the inspection, that time shall not be included in this limit.

Respondent's position: The inspection shall be limited to 2 hours.

2. Date and Time.

Petitioners' position: The inspection shall take place on Tuesday, April 21, 2020 from 9-1 p.m.

Respondent's position: The inspection shall take place on Thursday, April 23, 2020 from 9-11 a.m. as the least burdensome date and time for Respondent.

3. **Locations.**

Petitioners' position:

- a. The inspection shall be limited to:
 - (1) one housing unit not under quarantine or isolation;
 - (2) the intake unit;
 - (3) one quarantine unit;
 - (4) K84 (one of the isolation units);
 - (5) the Special Housing Unit (SHU);
 - (6) the Kitchen; and
 - (7) the Health Services Offices and Exam Rooms not located on housing units.
- b. These units will encompass the units where petitioners Rodriguez and Rabadi are housed.
- c. For the units identified above, the expert may view any area of the housing unit, including but not limited to dorms, cells, common areas, toilets, sinks, showers and any sick call rooms, except the expert will not be allowed inside any occupied cell.

Respondent's position:

- a. The inspection shall be limited to:
 - (1) one housing unit not under quarantine or isolation;
 - (2) the intake unit;
 - (3) one quarantine unit; and
 - (4) one isolation unit.
- b. These units will encompass the units where petitioners Rodriguez and Rabadi are housed.
- c. For the units identified above, the expert may view any area of the housing unit, except the expert will not be allowed inside any occupied cell.

4. **Inmate Interviews**

Petitioners' position: Dr. Venters shall be permitted to speak to people incarcerated in the MDC during his inspection of the facility. Dr. Venters may speak to people "cell-side" as he inspects the facility, and may also speak to incarcerated people who may be working or moving about the facility. For up to five individuals, Dr. Venters may request that the person be removed from their cell for interview in a common area. BOP counsel will not be permitted to listen to these interviews and should maintain an appropriate distance from Dr. Venters as he speaks to people.

Respondent's position: The expert and petitioners' attorney shall not be permitted to talk to any inmates during the inspection.

In the alternative, if the Court permits inmate interviews, the expert may only interview inmates currently represented by the Federal Defenders. To conduct the interview, the inmate shall be taken out of his cell and the interview shall be conducted in the common area so as to provide privacy from other inmates and permit social distancing between the inmate and the interviewer and to avoid the expert/inmate having to talk through the cell door. BOP will be permitted to observe and listen to the interview. If necessary, the parties may enter into a separate protective order to protect the identities of the inmate.

5. **Number of Participants on Petitioners' Side.**

Petitioners' position: For Petitioners, the inspection is limited to Dr. Homer Venters, one attorney from Petitioners' legal team, and Deirdre von Dornum, Attorney-in-Charge of the Eastern District Federal Defenders.

Respondent's position: For Petitioners, the inspection is limited to Dr. Homer Venters and one attorney (counsel of record).

6. **Other**

- a. Dr. Venters/attorney must, at a minimum, wear a surgical mask and gloves during the inspection. They may also wear other appropriate PPE as necessary. Before entering the isolation unit, the masks and gloves will need to be replaced, except if the mask is an N-95 mask, in which case he may keep the same mask throughout the inspection.
- b. Dr. Venters/attorney will have to be screened, and pass the screening, prior to entering the MDC consistent with the screening performed on MDC staff (*e.g.*, temperature check, etc.).
- c. Dr. Venters/attorney will be allowed to bring a notepad and pen. But no electronic equipment of any kind will be permitted.
- d. Dr. Venters must obtain security clearance prior to the inspection.
- e. **Hand Sanitizer.**

Petitioners' position: Petitioners seek to bring hand sanitizer into the facility for their own personal use.

Respondent's position: Visitors are not permitted to bring hand sanitizer into the institution because it contains alcohol.

Dated: New York, New York
April 16, 2020

EMERY CELLI BRINCKERHOFF
& ABADY LLP

By: s/ Katherine R. Rosenfeld
Katherine R. Rosenfeld
O. Andrew F. Wilson
Samuel Shapiro
Scout Katovich
600 Fifth Avenue, 10th Floor
New York, NY 10020
(212) 763-5000

CARDOZO CIVIL RIGHTS CLINIC
Betsy Ginsberg
Cardozo Civil Rights Clinic
Benjamin N. Cardozo School of Law
55 Fifth Avenue, 11th Floor
New York, NY 10003
(212) 790-0871

Alexander A. Reinert
55 Fifth Avenue, Room 1005
New York, NY 10003
(212) 790-0403
Attorneys for Petitioners and Putative Class

Dated: Brooklyn, New York
April 16, 2020

RICHARD P. DONOGHUE
United States Attorney
Counsel for Respondent
Eastern District of New York
271-A Cadman Plaza East, 7th Fl.
Brooklyn, New York 11201

By: /s/
James R. Cho
Seth D. Eichenholtz
Joseph A. Marutollo
Paulina Stamatelos
Assistant U.S. Attorneys
(718) 254-6519/7036/6288/6198
james.cho@usdoj.gov
seth.eichenholtz@usdoj.gov
joseph.marutollo@usdoj.gov
pauline.stamatelos@usdoj.gov